

1 Dawniell Alise Zavala (CA State Bar No. 253130)
2 HOLME ROBERTS & OWEN LLP
3 560 Mission Street, 25th Floor
4 San Francisco, CA 94105-2994
5 Telephone: (415) 268-2000
6 Facsimile: (415) 268-1999
7 Email: dawniell.zavala@hro.com

8 Attorneys for Plaintiffs,
9 SONY BMG MUSIC ENTERTAINMENT;
10 UMG RECORDINGS, INC.; WARNER
11 BROS. RECORDS INC.; BMG MUSIC;
12 and CAPITOL RECORDS, INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 SONY BMG MUSIC ENTERTAINMENT, a
17 Delaware general partnership; UMG
18 RECORDINGS, INC., a Delaware corporation;
19 WARNER BROS. RECORDS INC., a Delaware
20 corporation; BMG MUSIC, a New York general
21 partnership; and CAPITOL RECORDS, INC., a
22 Delaware corporation,

23 Plaintiffs,

24 v.

25 JOHN DOE,

26 Defendant.

CASE NO. 3:08-cv-01650-JL

Hon. James Larson

**EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER**

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for July 2, 2008 at 10:30 a.m. to September 3, 2008. As further explained below,
3 Plaintiffs have discovered the identity of the Doe defendant in this case and the parties have reached
4 a provisional settlement. In support of their request, Plaintiffs state as follows:

5 1. The initial case management conference is set for July 2, 2008 at 10:30 a.m.
6 Plaintiffs have not requested any previous continuances of the case management conference in this
7 matter.

8 2. Plaintiffs filed their Complaint for Copyright Infringement against Defendant John
9 Doe ("Defendant") on March 27, 2008. Plaintiffs did not have sufficient identifying information to
10 name the defendant individually in the Complaint, but were able to identify Defendant by the
11 Internet Protocol address assigned by Defendant's Internet Service Provider ("ISP").

12 3. In order to determine Defendant's true name and identity, Plaintiffs filed their *Ex*
13 *Parte* Application for Leave to Take Immediate Discovery on March 27, 2008, requesting that the
14 Court enter an Order allowing Plaintiffs to serve a Rule 45 subpoena on the ISP.

15 4. The Court entered an Order for Leave to take Immediate Discovery on March 31,
16 2008, which Plaintiffs then served upon the ISP along with a Rule 45 subpoena. On May 29, 2008,
17 the ISP responded to Plaintiffs' subpoena, providing Plaintiffs with identifying information
18 including a name, telephone number, and address.

19 5. Plaintiffs sent a letter to the individual identified by the ISP on June 9, 2008 notifying
20 him of their claims for copyright infringement and encouraging him to make contact to attempt to
21 amicably resolve this matter. Thereafter, settlement discussions took place with Defendant's
22 attorney, and Plaintiffs believe that a settlement has been reached. Settlement documents were
23 mailed on June 19, 2008, but have not yet been executed and returned to Plaintiffs.

24 6. If the signed settlement documents are returned by July 31, 2008 or shortly thereafter,
25 Plaintiffs will file appropriate dispositional documents with the Court. If not, Plaintiffs plan to file a
26 First Amended Complaint naming the individual identified by the ISP as the defendant in this case,
27 and then proceed to serve process upon him.
28

1 7. Given the foregoing circumstances, a case management conference is unnecessary at
2 this time. Plaintiffs therefore respectfully request that the Court continue the case management
3 conference currently set for July 2, 2008 at 10:30 a.m. to September 3, 2008.

4
5 Dated: June 24, 2008

HOLME ROBERTS & OWEN LLP

6
7 By: /s/ Dawniell Alise Zavala

8 DAWNIELL ALISE ZAVALA

9 Attorney for Plaintiffs

10 SONY BMG MUSIC

11 ENTERTAINMENT; UMG

12 RECORDINGS, INC.; WARNER

13 BROS. RECORDS INC.; BMG MUSIC;

14 and CAPITOL RECORDS, INC

15 **[PROPOSED] ORDER**

16 Good cause having been shown:

17 **IT IS ORDERED** that the case management conference currently set for July 2, 2008 at
18 10:30 a.m. to September 3, 2008.

19
20 Dated: _____

21 By: _____

22 Honorable James Larson

23 United States Magistrate Judge
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